REMARKS

Favorable reconsideration of this application, for the reasons Applicant respectfully submits hereinbelow, is respectfully requested.

Claims 1-8, 10-11 and new claims 12-16 are the only claims currently active in this application. Claim 9 is canceled, without prejudice and without any disclaimer of subject matter.

The foregoing separate sheets marked as "Listing of Claims" show all the claims in the application, each having an indication at its first line showing the claim's current status.

The Office Action recites, at pages 2-8, a rejection of claims 1-11 under 35 U.S.C. § 102(b), on the stated position that each claim is anticipated by U.S. Publication No. 2005/0089060 ("*Vergnes*").

Applicant respectfully traverses all of these rejections.

Claims 1 - 4

Base claim 1 defines a first and a second combinatorial logic circuit, each having different logical operations performing the same function on the same input, in an arrangement dynamically selecting which of these logic circuits operates on that same input.

Applicant's Fig. 1 illustrates one of the various disclosed examples that support claim 1.

Referring to Fig. 1, the example includes combinatorial logic circuits 101, 103 and 105 arranged to be dynamically selectable, by the selection circuit 111, the

selector 107, and the merger circuit 109, to operate on the same data input 129. As described by Applicant's specification at, for example, page 8, line 7, through page 9, line 14, each of the combinatorial logic circuits 101, 103 and 105 performs the same overall function but with different logical operations. As described, this dynamic selection of combinatorial logic circuit provides resistance to power analysis.

Interpreting claim 1 according to its broadest reasonable meaning, *Vergnes* discloses nothing meeting the recited second combinatorial logic circuit, and nothing within meeting the recited arrangement for dynamically selecting between the first and second combinatorial logic circuit.

Further, without waiver of traversal or disclaimer of subject matter, Applicant has amended claim 1 for form, to more positively recite these distinguishing features.

Regarding the Examiner's stated position, at pages 2-3 of the Office Action, that the *Vergnes* "combinatorial circuits" 412-1 and 412-2 meet the claim 1 invention's first combinatorial logical circuit and second combinatorial logic circuit, Applicant respectfully responds.

Applicant respectfully submits there at least two reasons under which *Vergnes* does not and cannot support the Examiner's position.

First, *Vergnes* discloses *nothing* of circuits 412-1 and 412-2 performing the same function *with different logical operations*. *Vergnes* discloses only that the *function* of the circuits 412-1 and 412-2, with respect to DES cycles, may be the same. *See*, for example, Vergnes at paragraph 0033, last two lines. Applicant

respectfully submits that disclosing merely that functions are the same does *not* constitute a disclosure that, in addition to the functions being the same, the logical operations are *different*.

Second, the *Vergnes* circuit 412-2 does not, and *cannot*, operate on the same input data as circuit 412-1. Circuit 412-2 therefore cannot meet the claim 1 "second combinatorial logic circuit," because this circuit must, if dynamically selected, operate on the same input data as the first circuit would operate on if that circuit were selected. *Vergnes* cannot meet this, because the *Vergnes* combinatorial circuits 412-1 and 412-2 *are in series*.

Vergnes therefore cannot anticipate Applicant's base claim 1.

Applicant respectfully requests, for at the reasons presented above, that the Examiner reconsider and withdraw the rejection of base claim 1.

Claims 2-4 depend from claim 1 and, for at least this reason alone, each is patentable over *Vergnes*.

Further, responding to the Examiner's statement that *Vergnes* meets the claim 2 language, Applicant respectfully refers to the example support at Applicant's Fig. 3. Applicant respectfully submits circuits 319 and 321 within block 301 as one example support meeting the claimed first and second combinatorial logic circuits, and to circuits 323 and 325 within block 303 as one example support meeting the claimed third and fourth combinatorial logic circuits.

Referring back to *Vergnes*, Applicant respectfully submits that *nothing* within that reference meets the claim 2 language.

Regarding claim 3, Example support is at Fig. 1, showing the selection circuit 111, the selector 107, and the merger circuit 109, to operate on the same data input 129. *Vergnes* lacks, for example, the selector because the *Vergnes* 412-1 circuit is the only one of the circuits 412-1 and 412-2 that can operate on the "in-data" 404. .

Regarding claim 4, *Vergnes* cannot meet the claim language because, for example, *Vergnes* lacks the base claim's second combinatorial logic circuit and its arrangement.

Claims 5-8 and 10-11

Base claim 5 defines a combinatorial logic circuit generating an output, an encoding means for encoding the output, a storage means for storing the encoded output, a decoding means corresponding to the encoding means for decoding the encoded output retrieved from the storage, and an electronic circuit dynamically control the activation of the first encoding means and the corresponding first decoding means.

Base claim 10 recites a method substantially corresponding to one or more operations of the claim 5 apparatus.

Fig. 4 shows one of the disclosed examples supporting claims 5 and 10, and this example along with various further and alternative aspects is also described by Applicant's specification at, for example, page 11, line 10, through page 12, line 30. Referring to Fig. 4, the encoder 407 has a corresponding decoder 409 and, as described, these are dynamically enabled by circuitry including, for example, logic

gates 413, 415, 417 and 419. The storage unit 401 stores the encoded data, and the decoder 409 decodes that encoded data after retrieval.

Applicant respectfully submits that *Vergnes* discloses no subject matter meeting either of claims 5 or claim 10. *Vergnes* for example, lacks a unit encoding data prior to storing that data, combined with a unit decoding it after retrieval, with a dynamic control of the encoding and decoding. Applicant respectfully submits, upon careful study and consideration of the section of *Vergnes* the Office Action identifies in the rejection of claim 5, that Applicant but cannot identify subject matter that falls within meaning of the claim language. encoding data prior to storing it and decoding it after retrieval, with dynamic control of the encoding and decoding.

Vergnes therefore cannot anticipate either of Applicant's base claims 5 or 10.

Further, without waiver of traversal or disclaimer of subject matter, Applicant has amended claims 5 and 10 for form, to more positively recite these distinguishing features.

Applicant respectfully requests, for at the reasons presented above, that the Examiner reconsider and withdraw the rejection of base claims 5 and 10.

Claims 6-8 depend from claim 5 and claim 11 depends from claim 10 and, for at least these reasons alone, each of these claims is patentable over *Vergnes*.

New Claims 12-16

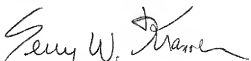
New dependent claims 12-15 recite further various distinguishing aspects.

New claim 16 recites in alterative form a method of the disclosed invention.

CONCLUSION

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Aaron Waxler, of NXP Corporation at (408) 474-5256.

Respectfully submitted,
KRAMER & AMADO, P.C.



Terry W. Kramer
Registration No.: 41,541

Date: August 6, 2009

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131
CUSTOMER NO.: 65913